



Lamoine Board of Selectmen

Minutes of January 10, 2008

Chair Jo Cooper called the meeting to order at 7:02 PM

Present were: Selectmen Brett Jones, S. Josephine Cooper, Cynthia Donaldson, Richard Fennelly Jr., Chris Tadema-Wielandt; Administrative Assistant Stu Marckoon, Planning Board members Michael Jordan, Michael Garrett, Stuart Branch, Code Enforcement Officer Dennis Ford, Assistant Town Clerk Kathleen DeFusco, Fire Chief George "Skip" Smith, Margaret DeLuca, Tyra Hanson, and Richard King

Addendum – Cynthia said she had a quick report from the RPC to add to the end of the agenda.

Minutes of December 13, 2007 – Richard moved to approve the minutes with minor corrections. Brett 2nd. **Vote in favor was 4-0, Cooper abstained.**

Expenditure Warrant 14 – Stu noted that of the \$209,621.75 on the warrant, approximately \$181,000 was for school bills. He said he moved \$165,000 from investments to cover the warrant. Jo asked about a bill for the Veterans Memorial. Stu said he received the bill but did not add it to the warrant pending action later in the meeting. Selectmen signed the warrant for the amount above.

Warrant 13 – Cynthia asked about a payment to Michael Jordan. Stu said he filled in while Dennis Ford was out of town for a week. Cynthia asked about the difference between the actual check and the amount on the warrant. Stu said it was payroll taxes that were withheld.

Cash & Budget Report – Chris asked if all the salt/sand shed bills have been paid. Stu said we still owe Jay Fowler for work that will be completed in the spring. Selectmen noted that the shed came in well under budget.

Checking Reconciliation – Selectmen signed the statement expressing satisfaction with the review of the checking reconciliation of December 31, 2007.

Excise Tax Report – Stu noted that excise tax collections have slowed a bit during the winter, the same as last winter. There was a brief discussion about pending bills in the Legislature and a possible petition concerning lowering excise tax rates.

Verizon Wireless Contract – Cynthia asked if the co-location language in the final draft from Verizon was acceptable in terms of concerns Brett raised in a prior meeting. After reviewing the language, Brett said it was. There was a short discussion about section 13 of the lease.

Chris moved to sign the lease and the notice of lease. Cynthia 2nd. **Vote in favor was 5-0. Selectmen signed both documents.** Stu said he would sign the W-9 form and the EFT form supplied by Verizon.

Town Hall Reconfiguration – Chris said he recalled the original concern was for the security in the town clerk/tax collector's office. He asked if that security is compromised by the bi-fold doors. Tyra Hanson said the proposed double doors at the entrance into the hallway could be locked. She said the proposed sliding windows would have locks. She suggested that for privacy, the windows could be frosted. A short discussion followed regarding security.

Jo said the board is trying to prioritize. She said there is a great deal of concern about the bottom line. She said she understands this is just a proposal at this point, and that costs can change, but this will cost a lot of money. Ms. Hanson said it might be even more when inflation comes into play. Jo said the price tag is now \$41,000.

Cynthia said the project started as a way to make the town hall more secure. She said extras were put in as the design was taking place. She said the Board needs to keep in mind what meets the goal. Jo said the design was excellent, and she didn't see a lot of extras, but they might be in the details of the job. She said the plan incorporated everything the town said it needed. She said it was an overall plan, and there didn't seem to be individual pieces you could take out. Ms. Hanson said she tried to keep prices low for what was requested. She said the price should be pretty true for what was requested. She said if a lot of money needs to come out, something will have to go. She said the price for what was requested is as low as it's going to get.

Chris said he didn't doubt that it was the Selectmen's job to take out some of the items. Richard said he felt the proposal was going above and beyond a secure working environment. He said the proposal seems elaborate and tough to swallow financially. He suggested that the present tax collector's door be removed and the teller's counter be built into that wall. Ms. Hanson said that idea crossed her mind as well. She said the present CEO office could be used for storage, and the closet done away with. She said something has to be done with the floor, and the microphone cables create a safety problem. A short discussion followed about the proposed "floating floor" and ways to configure the clerk's office.

Jo asked how to proceed. Richard said the board has to decide on an approach. He said he had sticker shock on the \$40,000 price. He said the project should

be kept basic. Cynthia said the information from Ms. Hanson was very helpful for making an informed decision.

Selectmen reviewed the project and decided to eliminate the closet proposed for the clerk's office, eliminate the window in the back room that would become the Code Enforcement Officer's Office, eliminate the permanent table in the meeting room. The Board decided the proposed flooring, at \$7.00/sq. ft. would stay in the project, the rewiring plan would stay, and they'd like to see a sample of the flooring. The Board felt the glass French doors and waiting area could be eliminated. There was a brief discussion of the tax collector's/clerk's counter setup. Selectmen then discussed the process for coming up with an estimate for funding. There was a discussion about a new phone system, and putting a window in the Administrative Assistant's office to look out into the hallway.

Selectmen asked Ms. Hanson if she would work up a revised estimate based on the discussion. Ms. Hanson said she would.

Bradford's Auto Sales - Jo said she read the minutes from the previous meeting and she would like to come to an agreement so that both sides understand what is expected. Brett said it was left that the Board would finalize what it plans to offer to Bradford Auto.

Margaret DeLuca said she agreed that no formal complaint had been filed. She requested that the Board dismiss the issue with no further discussion. She said there is no formal language in the ordinance that covers their business. She said they would park their vehicles at a safe distance. Jo said if the Board dismissed the case based on there not being a formal complaint, they would probably have a complaint within minutes. She said the Board is trying to protect both sides of the matter. Jo said to Ms. DeLuca that Ms. DeLuca had stated a 50-foot setback was acceptable when the permit was obtained for the commercial building. Jo said the town measured the setback and found they were 40-feet back from the center of the road. She said the board is trying to say "draw the line". She said that if Ms. DeLuca wants to leave it alone, that's OK too, but she suspected there would be a formal complaint.

Ms. DeLuca asked if there could be a formal complaint. Brett said of course. He said if he drove past tomorrow, he could file one. Ms. DeLuca said there has been a lot of negativity. Richard said there could be a formal complaint filed in about 10-minutes, and she would be where she was at the last meeting. He said he wouldn't want to litigate it if he were in Ms. DeLuca's position. He said the Board is bending over backwards at 50-feet. He said that Ms. DeLuca said, at a prior meeting, that 50-feet was OK. He said it's a 6-foot difference, and he wouldn't quibble over those 6-feet at the risk of the vehicles going back 100-feet. Ms. DeLuca said she would try to show why the vehicles can't go back further.

Michael Garrett said this matter came to the Planning Board as a violation having been uncovered. He said he'd be inclined to file a complaint, as a resident, if a consent agreement was not reached. Planning Board Chair Stuart Branch asked if there was a complaint filed. He went over the process about a complaint form being filed. Jo said she asked a question. She said she noticed a lot of vehicles close to the road, and the question went to Dennis. Mr. Branch said it got to the Planning Board under the complaints report from the CEO, so he assumed a complaint was filed, and that the CEO wanted the Planning Board's opinion. He said the Planning Board stated that the complaint should be enforced.

Richard said in his review it appeared there was no formal complaint, then a communication came from the Planning Board and he didn't think that was a formal complaint, and that's why he moved to dismiss. Mr. Branch said they were not making a complaint, and gave an opinion on what the permit said. Richard said in the interest of not dragging this on forever, he moved to reach a consent agreement at 40-feet. He said after discussion, the Board made it clear that 40-feet was not acceptable, but 50-feet was. He said Ms. DeLuca's point was well taken that a formal complaint was not filed, but there would be one coming in short order, if the matter was dismissed, so the parties may as well cut to the chase and get to a consent agreement.

Cynthia said we need to be very careful about the language used in regard to the word "complaint". Brett asked Ms. DeLuca if she planned to litigate a 50-foot offer. He said he felt it was best to put this to rest tonight, and have someone file a formal complaint so that all the ducks are in a row if it reaches the Appeals Board level. Ms. DeLuca said she didn't plan on litigating, but she wanted to hear what is discussed tonight, and that she would show the board why going back another 10-feet would harm their business. She said they could still discuss this.

Chris said there were two alternatives put before the Selectmen; one would determine the setback at 50-feet, and the other would have the Planning Board determine the parameters. Mr. Garrett said he would rather see a copy of the original permit. Ms. DeLuca said they never received the copy of the decision page on the Building Permit application. Mr. Garrett said he presumed a commercial permit was typed with the conditions on it. Richard said it was a handwritten note on the processed application.

Mr. Garrett said for all of the talk, he thinks the cars are too close to the road. He said Bradford must have accepted the 100-foot setback at the time. Brett noted that neither Ms. DeLuca nor Mr. Bradford attended the Planning Board meeting. A short discussion followed on what Bradford received from the town at the time the permit was granted for the commercial building.

Mr. Branch said to send this issue to the Planning Board is not the answer. He said it's not the Planning Board's job to barter a setback. Richard said he did not favor sending it to the Planning Board. Chris said it's up to the Selectmen to decide what to do. Richard said the Selectmen agreed to offer a 50-foot setback. A short discussion followed on the draft consent agreement, and it was agreed to give Bradford 7-days to bring the vehicles into compliance once the agreement was signed. Chris said he wanted to add some language to put a mutual release into the agreement. Brett said he wanted to change the word "Ordinance" to "Code". Jo said she did not expect an instant response from Ms. DeLuca.

The meeting recessed while Stu typed up the changes.

Jo said she would like to finalize the consent agreement for the next meeting. She said that would give Ms. DeLuca a chance to look it over. Selectmen read over the agreement. Jo moved to offer the consent agreement to Bradford Auto as written. Richard 2nd. **Vote in favor was 4-1 (Tadema-Wielandt opposed).**

Jo asked Chris why he was opposed. Chris said in his opinion, the Planning Board should be supported in its' 100-foot language.

The agreement offer was given to Ms. DeLuca to give her time to read it over and to suggest possible changes. Ms. DeLuca said she wanted to address the Board. She said there was a lot of negative publicity, but her neighbors gave her positive feedback, and she handed out written statements from them. She said she did up a plot plan showing the house, the Jordan River Road setback. She said they have trucks parked at the business, and 10-feet is a lot of distance to them. She said the larger setback takes away the inspection area utilized for large truck inspections. She said she would request a change to a 40-foot setback. She said the plan was in the materials handed out to the Selectmen. She said a statement from CEO Ford dated July, 2006 certifying to the State of Maine that the business was in compliance was enclosed as well. A short discussion followed regarding the plot plan.

Jo told Ms. DeLuca to bring the agreement back to the Selectmen with suggested changes.

Meeting with Planning Board – Mr. Garrett said the last time the Selectmen and Planning Board met, it was agreed that no action would be taken unless there was a formal complaint filed. A short discussion followed on the complaint process. Mr. Garrett said the Planning Board would not, as an entity, file a complaint. He said individually they would not forego that right. Brett said he took the letter from the Planning Board as a request for enforcement. Mr. Branch said that's what it was; the town has to enforce any permit.

Richard said he believed that Ms. DeLuca did not get a copy of the processed application. He said when a placard is issued for a permitted activity, any

conditions or restrictions should be noted on the placard so that the applicant knows the conditions. Brett said there should be an actual document and it should have been sent by registered mail so that it's clear the applicant receives it and knows what is expected. A short discussion followed.

Brett said he would like to see a process in place to follow up on the conditions. Michael Jordan said if someone applies for a permit from the Planning Board and they don't show up for the hearing, the Board should say they won't look at the application. Stu said the ordinance sets time constraints under which the Board needs to act.

Mr. Jordan asked what a question to the CEO is supposed to accomplish. There was a short give and take between him and Jo in regard to whether this was a complaint. Mr. Jordan said the question is technically a complaint, and should have been written. There was discussion about where a complaint starts. Stu said the policy does say that town staff can generate a complaint.

Mr. Branch said an applicant is not required to be present as long as the Planning Board has the information required for the Board to act. A short discussion followed regarding communications, and the objectivity of a Board member making a complaint.

Stu said the Planning Board process is very different now than it was in 1995. He said he inserts himself into the process so that he can assure the proper communication is taking place. He said he was not in that loop in 1995.

Comprehensive Plan – Mr. Garrett says he's generated a letter from the Planning Board to urge the Selectmen to seek a grant for updating the Comprehensive Plan. He said the Long Range Planning Committee studied the comprehensive plan and there is money available from the state to update it. Jo asked if the letter requests that the Selectmen appoint a committee to make application for the grant funds. Mr. Garrett said yes. Jo said the word will need to get out for people to serve on such a committee.

Brett said he was nervous about strings attached to a grant. A short discussion followed about state requirements and the desirability of changing the town's comprehensive plan. Jo asked if he was advocating that instead of a formal plan, the town write its' own version. Brett said yes, that it's a reciprocal monster to have to deal with to meet the state guidelines. Cynthia said there should be a conversation with the Planning Board about this. Brett said the town needs something to guide future development.

Jo said that's a conversation to have in the future. Brett said the Selectmen should look at the grant idea. Cynthia asked if the Board could have the parameters. Stu said they're not out yet. Richard said there should be a

separate workshop session to discuss this. A short discussion followed on when to have that.

Adopt A Road – Chris said he has the proxy to speak for the author of the letter (his wife) to the Selectmen urging them to approve the Adopt A Road program. He said it seems to be well set out, and it's a good idea. Richard said he favored it. Jo asked what the Board needs to do. Chris moved to have the Town of Lamoine participate in the Adopt a Road Program. Richard 2nd. Cynthia asked where the funds would come from for the signs. Stu said there is money in the road budget for signs. **Vote in favor was 5-0.**

Town Meeting – There was a brief discussion about the town meeting warrant as drafted. Richard noted one minor error.

Town Report – Stu asked if the Selectmen wished to get estimates on the town report printing this year. He said the printer from Augusta used for the past several years has been about \$1,000 less than the local printers. Selectmen said there was no need to check on prices this year, so long as it's done periodically. Stu said he would make sure the price is not significantly higher.

Budget – Stu said the tentative plan is to have the Budget Committee meet with the School Committee on February 4, 2008 after the School Committee meeting.

Hydrant Request – Stu said he handed out an e-mail communication from Mo Oliver asking that the hydrant in front of his farmhouse no longer be plowed and that the tank and pipes be removed from the ground. Brett asked who owns the hydrant. Fire Chief George "Skip" Smith urged the board to take no action until he spoke with Mr. Oliver.

Chris asked how the hydrant came to be. Chief Smith said the hydrant has been there for many years. He said Mr. Oliver requested that the tank be put in jointly with the town. He said he's sure Mr. Oliver owns the tank, and it's on his land. He said there are no documents in this regard. Mr. Branch asked if the hydrant is in working order. Chief Smith said it is not presently. Brett asked how long the tank and hydrant have been there. A short discussion followed on the history and the current requirements for tanks.

Mr. Branch said Mr. Oliver asked him for several pieces of information in regard to a newly installed tank and hydrant at the end of Seal Point Road. He said Stu found the paperwork requested. Mr. Branch said Mr. Oliver seemed to be concerned that there has to be a certification level for personnel to inspect the tank, and equipment the town does not possess. He said in his opinion, this was a fire department issue.

Richard asked if the NFPA standards applied to Mr. Oliver's tank. A short discussion followed about commercial buildings and hydrant requirements. Chris

said he favored having the fire chief handle this. Chief Smith said he would try to resolve the problem.

Veterans Memorial – Jo said she asked for this item to be added. She said the money for the memorial is not coming in very fast. She said she's written two grant proposals for \$5,000. She said the stone for the memorial got delivered sooner than expected, and instead of a 2nd payment being due in April, it is now due. A short discussion followed on the expected costs. Jo said \$25,000 is a pretty accurate total. She said the goal of the committee is to raise as much money as possible for the stone.

Jo said there is about \$5,000 in the account. She said the Veterans' Memorial Committee favored paying the money that was in the fund now. Richard said he agreed that Weininger Monuments ought to be paid. He asked if the proposal had indicated a delivery date. Jo said there was no specific time limit. She said Mr. Weininger understands the town's position. She said both he and the town are in a tough spot. She said the Board needs to approve the payment of \$5,000.

Jo said she feels the committee will succeed in raising enough funds, but she's worried about the timing. She asked if something should be on the town meeting warrant. She said she's uncomfortable about it. A short discussion followed on where the project stands. Richard said he understands her concern about politics. He suggested an article in the town meeting warrant for the capital projects fund to loan the money to get the monument set up and to raise money to restore that fund.

Stu said he needed direction as treasurer in regard to payment. Jo moved to pay Fred Weininger \$5,000. Brett 2nd. **Vote in favor was 5-0.** Selectmen asked that this issue be on the next agenda. Kathy DeFusco noted that donations thus far have raised about \$2,000.

School Regional Planning Committee (RPC) Report – Cynthia said the Union 92 group will reconvene next Wednesday the 16th at the Hancock Grammar School. She said they would discuss a letter from the Ellsworth School Department, activity at the state level, and plan their next steps now that the Union 92 plan has been rejected.

Chris asked if Cynthia would comment on what was said by an Ellsworth School Committee member in the newspaper. He said the comment was contrary to what he understood the financial impact would be on the town. A short discussion followed.

Richard asked what the next step was after the state rejection. Cynthia said it's the meeting on the 16th. Richard said he worked with a man in a school system in the Orono area, and they did a thorough analysis. He said they found the

least costly option was going it alone. He said the Superintendent of Schools said Lamoine might benefit from going it alone. A short discussion followed. Richard provided Cynthia a copy of an excel program where certain town numbers could be entered to show an impact report.

Road Postings – Road Commissioner Dennis Ford asked if he could have permission to post the roads, given the recent warm weather. Chris so moved, Richard 2nd. **Vote in favor was 5-0.**

Next Meetings – The next meetings are set for January 24, 2008, February 7, 2008, and February 21, 2008.

Executive Session – Chris moved to enter executive session pursuant to 1 MRSA §405 (6) (a) – personnel matter. Richard 2nd. **Vote in favor was 5-0.** In at 9:58 PM. Out at 10:24 PM.

There being no further business, the meeting adjourned at 10:25 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.